



State of Delaware
Commission on Forensic Science

Minutes - 9/10/18

10:00 am – 12:00 pm

DFS – 1st Floor Conference Room, 200 South Adams Street
Wilmington, DE 19801

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Chair, Chief R.L. Hughes. In attendance were:

Voting Commission Members

Krystal Hans, PhD	Assistant Professor - Delaware State University
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Major Daniel Meadows	Delaware State Troopers Association
Representative John Mitchell	Delaware House of Representatives
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Christiana Care
Secretary Kara Walker	Department of Health & Social Services

Non-voting Attendees

Commission's Legal Support

DAG Caroline Cross	Department of Justice (substituting for DAG Lisa Morris)
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Additional Non-voting Attendees

Jacqui Armstrong	DNP Student-University of Delaware
Jamie Armstrong	DFS - DNA CODIS Administrator
Lauren Brooking	DNP Student-University of Delaware
Johna Esposito	DFS - Quality Assurance Manager
John Evans	DFS - Director
Jill Fredel	DHSS – Director of Communications
Amrita Lal-Paterson	DFS – DNA Technical Leader
Jessica Nolden	DNP Student-University of Delaware
Esteban Parra	Reporter, The News Journal
Jessica Smith	DFS – Chief Forensic Toxicologist
Jennifer Van Zanten	DFS – DNA Casework Manager
Julia Vekasy	DFS – Chief Forensic Investigator
Rebecca Walker	DFS -- Chief Operating Officer

Absent Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Senator Robert Marshall	Delaware State Senate

2. Approval of the Minutes

- Chief Hughes asked for a motion to approve the minutes from the last Commission meeting. Major Meadows made a motion to approve; Secretary Walker seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the June 11, 2018 meeting.

3. November 2018 Meeting Date

- Due to the Veterans Day Holiday falling on the regularly scheduled Commission meeting date (2nd Monday of the month), Chief Hughes asked Commission members to check their calendars to see if November 5 would work for everyone. All voting members in attendance unanimously agreed to the November 5th date.

4. DFS Director's Report

Staffing:

- Director Evans recalled that at the last meeting on June 11th, it was reported the Lab Manager II position in the Forensic Chemistry Unit was vacated on June 28th due to resignation. The job posting was extended three times over the summer to ensure it was included on several national professional websites. Interviews were conducted on September 5. Congratulations go out to Melissa Newell, who was selected to fill the role of Lab Manager II. Melissa has been with the Division for over 12 years, both in the DNA and Forensic Chemistry Units. Director Evans said he is confident that she will continue to effectively manage the FCU.
- As also reported at our last meeting, the Office Manager position at our Georgetown Office was vacated due to resignation. Interviews were completed during the first week of August. A selection was made and the candidate is currently in the background phase of the hiring process.
- An Analytical Chemist position in the Forensic Chemistry Unit was vacated due to resignation on June 29th. Interviews were completed on July 30th & 31st, a selection was made, and the candidate is also in background.
- An Analytical Chemist position in the Toxicology Unit was vacated due to resignation effective July 6th. Interviews were conducted on July 24th. Director Evans said he is happy to report that Laura Choquette, a DFS casual/seasonal employee, was selected and she started in a full-time status on August 6th.
- DFS welcomed Rebecca Smith, who filled the casual/seasonal Lab Tech position in the Toxicology Unit, on August 21st. Rebecca comes to us from PCOM where she is in the Master's program for forensic medicine.

Forensic Chemistry Unit:

- The FCU continues to be very effective in its case management with an extremely low number of cases in backlog and the current turn-around times continue to be well within acceptable limits (*approx. 15 days from submission to litigation packet upload*).
- The new GC instrument, which will be primarily focused on the forensic analysis of evidentiary materials collected from fire scene investigations, has arrived and was recently set up by the vendor in the lab. The validation process is now underway. The target date to begin testing fire debris is January 1, 2019.
- On August 28th, in accordance with the Forensic Chemistry Unit Evidence Inventory Policy, an audit was conducted of the FCU Evidence vault and the chemists' lockers. Director Evans thanked DPA Chris Klein, Melissa Newell and Johna Esposito, who assisted in conducting the audit. All evidence was accounted for, found to be well organized and easy to find whether in the vault or in the chemists' lockers. This is the first audit since 2014 where the "virtual" evidence, which was seized by DSP during the investigation, is no longer reflected in FLIMS as being in the evidence vault. Director Evans recognized a job well done by Forensic Evidence Specialists Wendee Mohammed and Kheli Wiltse.
- Director Evans also thanked several of the chemists in the Forensic Chemistry Unit, who have volunteered to help in the long overdue process of auditing and purging old files in the records room on the ground floor of this building. These autopsy files date back to the 1950's and extend well beyond the record retention period in many cases. To date, 69 boxes of files have been delivered to the archives in Dover. Director Evans said DFS hopes to repurpose the records room to office space and maximize the efficient use of all available space in an overcrowded building.
- In August, both of DFS' newest FCU chemists (Reika Haskell and Jency Skaria) successfully completed their verbal and moot court competencies and are now accepting their own casework. Director Evans congratulated them on a job well done.

DNA Unit:

- There was a total of approximately 46 CODIS hits or matches both at the local and National level since our last meeting. Approximately 32 of those hits were as a result of the Sexual Assault Kit Initiative (SAKI).
- On July 16th-18th, the DNA Unit underwent a Quality Assurance Audit by outside assessors with ANAB, which is an accrediting body. This was an intense audit, during which time over 800 standards were reviewed for compliance. During the exit interview, the assessors commented that the DNA Unit was the "best prepared they have seen". The Unit was "well organized" and the assessors were impressed with the Qualtrax system. There was one finding on a Quality Assurance Standard dealing with data interpretation. The assessors commented that while the Unit is not interpreting data incorrectly, they found that our policy could lead to interpretational differences among analysts. This finding can be easily resolved by amending the wording in our policy. It is important to note that this finding does not impact test results. Director Evans said this was a job well done by the DNA Unit and they are to be commended.

- Without speaking to the specific evidence related to an on-going investigation, Director Evans highlighted an example of the good work that goes on every day in the DNA Unit. In May 2018, a law enforcement agency submitted evidence related to two kidnapping/sexual assault cases and one attempted kidnapping case for DNA analysis. Sarah Lindauer, one of DFS Senior Forensic DNA Analysts, was able to examine and test the evidence which ultimately resulted in linking a suspect to the evidence and advance the investigation. Director Evans said this was a job well done by Sarah.

Toxicology Unit:

- As reported at the last meeting, the American Board of Forensic Toxicology, during their reaccreditation inspection in May, were concerned that not all of the extractions were being performed under fume hoods. In an effort to lessen that concern and insure that DFS chemists are working in as safe a work environment as can be provided, DFS will be purchasing two fume hoods at an approximate cost of \$20,000.00. Director Evans thanked Jessica Smith and Laura Nichols for researching the ductless fume hoods and Becky Walker for her efforts in securing Federal grant funding to make the purchase. The ESSOS (Enhanced State Surveillance of Opioid-Involved Morbidity and Mortality) grant was used for this purchase.
- On June 29th, Jessica Smith participated in a job shadow, which was sponsored by the Department of Services for Children, Youth and Their Families. The job shadow helps ensure successful transitions for youth, who are aging out of foster care. It is a unique opportunity for foster youth and employers to come together and benefit each other. Director Evans is glad DFS was able to participate and thanked Jessica for taking her time to share what the Toxicology Unit is all about with the two foster youth.
- On August 24th, Jessica Smith presented at the Advanced Roadside Impaired Driving Enforcement training at the DSP Academy. The audience consisted of officers seeking certification and Deputies Attorney General.

Medical Examiner Unit:

- Director Evans reported that since the last meeting, the Medical Examiner Unit experienced an extremely difficult and challenging couple of weeks. Not only have they been faced with the challenges associated with the shift in autopsy operations, but they have had to deal with tragedy. Within one week, the M.E. Unit handled the death of five family members as a result of a crash on Rt. 1, the natural death of an active duty Trooper, two fatal car crashes wherein the victims were trapped and died as a result of fire, and the death of five family members in a murder/suicide in New Castle County. Through it all, the Unit maintained their professionalism and compassion and for that, said Director Evans, they have my gratitude and respect.
- Director Evans thanked the DSP for facilitating a Critical Incident Stress Management debrief for the team. This debrief, as well as Employee Assistance Program resources, were provided to the M.E. Unit to help maintain the emotional welfare of the team.

- Director Evans also recognized the Forensic Morgue Assistants, Investigators and Pathologists for their flexibility, teamwork and commitment, which has resulted in their ability to continue to meet the mission in an effective and efficient manner despite the shift in autopsy operations to the Georgetown office.

Morgue Renovation Project:

- The construction phase of the morgue project started on July 9th and to-date, demolition of the existing ceilings, ductwork, lighting, autopsy tables, sinks, body coolers, and cabinetry has been completed. The contractors are now in the process of pouring the cement pad on the south side of the building which will hold the new HVAC equipment. Director Evans then showed photographs of various stages of the work that has taken place.
- Last week, Director Evans attended a bi-weekly meeting with Facilities Management and the contractors to discuss issues, concerns and progress. As a result, it appears that the end date of the project has been extended by approximately one month and is anticipated to end in the November timeframe. Director Evans said he has made clear to the project manager and the site superintendent the significant operational impact of the morgue shutdown and that his focus is to have the project completed correctly and to the specifications, and in as timely a manner as possible.
- Director Evans said operations at both our off-site locations - at the Bissell Hospital and our Georgetown Office - continue to run efficiently. Director Evans again thanked not only the DFS staff but our stakeholders (including funeral homes and law enforcement) for their flexibility and understanding during this process.

Generator Project:

- Installation of the new, larger capacity emergency generator has been completed. Facilities Management is now working with the Engineering firm to connect additional instrumentation and equipment critical for DFS operation to the generator in case of a power failure.

Legislation:

- SB 214 was recently signed by the Governor and Director Evans thanked Deputy Secretary Chandler for her assistance in following this bill through the process. The bill amended Chapter 47, Title 29 of the Delaware Code, by applying the next of kin definitions to the entire chapter as opposed to only the section of the chapter which deals with the eye bank. Additionally, the bill expands the period of time within which the Medical Examiner must complete a written report from 30 to 90 days. This is in keeping with NAME accreditation standards.

PMP Project:

- In partnership with the Division of Professional Regulations, DFS has been working with DTI and DPR's I.T. vendor over the last several months to develop a pathway to share decedent information with DPR. Effective August 31st, DFS began pushing decedent files to an SFTP (secure file transfer protocol) server on a daily basis. The data will be reviewed by DPR and used to control the fraudulent filling of decedent prescriptions. The pharmacist must enter the name on a prescription into the PMP prior to filling the prescription. Through this collaborative effort, PMP Administrators will now be able to flag decedents in the PMP. Once this is accomplished, the pharmacist will not fill the prescription of someone who is marked deceased.
- Director Evans asked if there were any questions/comments concerning his report.
 - ODS Schwind asked if the two analytical chemists who left had given their reasons for leaving in their exit interviews. Director Evans replied that one of the chemists left to go back to her native country, Canada, and the other left to pursue law school.
 - ODS Schwind asked about the audit of the forensic chemistry lockers and noted this was the first audit since 2014. Director Evans stated that this is not the first audit conducted since 2014 – internal audits are conducted annually. The particular audit in question was the first “virtual” evidence audit. Evidence that was seized by DSP in 2014 and taken to Troop 2 had been entered into the DFS FLIMS database and there were technical difficulties which allowed items of evidence to remain there. If someone pulled up an evidence report in FLIMS, it appeared as if that evidence was with DFS, when in fact, it was actually with DSP. When DSP completed their investigation, they turned that evidence back over to the law enforcement agencies – it never came back to DFS. Director Evans said it has taken time to work through the technical bugs in FLIMS to have those items removed from the database. The audit verified elimination of that evidence from FLIMS.
 - ODS Schwind asked about decedents who are being transported down to Georgetown in unrefrigerated, not even air conditioned, vehicles. She surmises that journey takes about 2-1/2 hours; Director Evans said that it is about a 1-1/2 hour trip from here to Georgetown. Ms. Schwind asked if there were any issues with time of death due to the amount of time decedents are out of air-conditioning or refrigeration; have there been any complaints from funeral homes. Director Evans explained that during the planning process for the morgue renovation project, DFS looped in the DOJ, and any case involving a homicide or child death, or a suspicious death, these cases are immediately transported to Georgetown. Director Evans noted that no complaints have been received from any funeral home regarding the condition of decedents.
 - Ms. Anita Symonds asked if these changes affected any DFS policies, particularly evidence collection and personnel safety (when employees deliver decedents to the Bissell facility during the night). Director Evans said, no; and explained that exterior lighting, security cameras inside and out, and intrusion alarms have been installed to address safety concerns. Ms. Symonds then asked if there was any change to post mortem examination procedures or the criteria for determining autopsies. Director Evans said, no; whether to inspect or autopsy a decedent remains with the pathologist on duty.

- Chief Hughes shared the following:
 1. Congratulations to Melissa Newell on her promotion to FCU Lab Manager II.
 2. With the Casual/Seasonal employee in Toxicology going to FTE, it should help out tremendously with the training curve and that is fantastic. Also, Jessica's continuing good work in Toxicology and her community outreach endeavors are greatly appreciated.
 3. Thank you to Amrita and her DNA team for continuing to do a wonderful job.
 4. The ME Unit's efforts in working between Georgetown and Wilmington are much appreciated.
 5. Thank you to Dr. Rebecca Walker for finding \$20,000 in grant money to obtain the hoods for Toxicology.
- Ms. Anita Symonds said she has a question regarding the concern around the number of employees leaving over the years. She asked whether or not DFS performs employee satisfaction surveys which may help in preventing, rather than reacting, to employees leaving. Director Evans stated that, to his knowledge, there has not been an employee satisfaction survey completed since he started with DFS. However, he said, there is a process involving the exit interview so that when an employee leaves here, they are interviewed and he finds these exchanges to be very informational. At the exit interview, it is discussed why they are leaving, are there opportunities for us to grow in terms of retention, and those type of things. Ms. Symonds asked if there would be an opportunity for this type of interview to be conducted before an employee gets too far along in the thought process of leaving. Director Evans said he thinks it is important to remember, as discussed in past meetings, and which is being looked at in the Standards and Certifications subcommittee, that on the surface there appears to be a problem with retention, but when you look deeper, people are not leaving because they are dissatisfied with the work environment or salary. Thus far, it has been because they are going back home or they are seeking a completely different career path. Ms. Symonds said she still thinks some sort of survey should be explored; Director Evans said he will look into it.

5. Standards & Certifications Advisory Committee

- Johna Esposito reported that a salary survey was sent out to external organizations. To-date, committee members are reviewing and compiling the information that was returned. The committee is meeting today after this meeting and hopefully a report can be finalized and issued to Commission members at the next Commission meeting.

6. Strategic Planning Advisory Committee

- Director Evans said he is reporting on behalf of DAG Axelrod, who is unable to be here today and shared the following information provided to him by DAG Axelrod:
 - The committee continues to work toward identifying, obtaining and refining the data we have on current DFS space and personnel allocations.
 - In an effort to present data that provides consequential metrics, the committee is also attempting to think of it in not only terms of how the numbers currently stack up, but also provide measures of comparison with other national surveys or trends to the extent that such information is available.

- The committee also began to look at the 2017 DFS Annual Report to see if meaningful comparisons could be drawn between it and the project foresight.
- A review will be conducted of the Annual Report for 2015-2016 published by the Forensic Science Initiative College of Business and Economics-West Virginia University which presents the results of surveys of various laboratories and looks at metrics by discipline; not necessarily in terms of space, but in terms of number of cases handled per chemist. Various members of the committee will look at this survey and look at the different disciplines and report back what they learned from doing a preliminary calendar year comparison between the two at the next meeting. As the Commission can likely appreciate, this process is a lengthy one, but as the committee works through it, they remain committed to the process and its long-term outcome.
- DNA Technical Leader, Amrita Lal-Paterson, shared a presentation at the last meeting about her recent visit to the Alaska Scientific Crime Detection Laboratory which also included the cross use of space across various disciplines and in-house training classrooms and significant expansion space.

7. Commission's Purpose and Objectives for 2018

- Chief Hughes said he thinks the work done by the Commission's two subcommittees will solidify what the objectives will be for the Commission moving forward. This Commission is the champion of the Division of Forensic Science and these two subcommittees will identify those areas we can really sink our teeth into and get our support behind and to seek the support of the General Assembly moving forward. A number of things have already been accomplished, for instance, the morgue renovation – that is a big undertaking and needed to be done. Chief Hughes asked Commission members to bring to the table any new objectives for 2018 or for 2019.
- ODS Schwind said in terms of the Commission's transparency, she still cannot find the link to the Commission meetings or minutes on the DFS website. She thinks that an average person unfamiliar with the website would not be able to find it either; for example, we never have any outside people come to our meetings, be it a family member of a decedent or a student who needs to look at political systems. Director Evans explained that there is a "resources" tab on the opening page of the website, click on that tab and there is a link to the public meeting website. He recalled that this was discussed previously and immediately after that meeting, he went to the website and it took approximately 30 seconds to link into the public meeting site. Director Evans also shared that at the last Strategic Planning meeting, a student showed up unannounced. We asked her how she knew about the meeting and she said she got the meeting notice through our website.

8. Commission Members Open Discussion

- Secretary Walker expressed her thanks for the continued sharing of information and partnership regarding the opioid crisis. She is pleased with the progress that is being made and thanked Dr. Rebecca Walker for her efforts to insure we are working collaboratively across DHSS and the Department of State in looking at these issues related to the opioid crisis.

- Dr. Hans thanked the SAC committee members, especially Johna Esposito for leading our subcommittee, for the fantastic efforts being made in getting together an overwhelming amount of data that will be discussed at their meeting today. In addition, she said, thank you to Director Evans for helping to secure many different speakers for her forensic science lecture series. Chief Hughes asked if the speakers were from DFS and Dr. Hans said, yes. Chief Hughes acknowledged that there is a lot of expertise in this building. Dr. Hans agreed and said this further solidifies the relationship between DSU and DFS.
- Representative Mitchell conveyed to the Commission that he was happy to be able to help with getting SB 214 through the House. He said he looks forward to working with the Commission on future legislation.
- Chief Hughes asked if there is any legislation forthcoming from DFS in the near future. Director Evans said each year DFS provides the Secretary's office with a legislative initiatives memo. There are several items in there but there is one thing stands out to me that has a fiscal note attached to it, is trying to secure hazardous duty pay for our Forensic Investigators and Morgue Technicians. Chief Hughes asked if the issue of shift differential has been settled and Director Evans said, yes, shift differential is being paid.
- Ms. Symonds thanked the News Journal for providing her with information concerning a box of untested DNA samples found here in 2014. Ms. Symonds said she has been on the Commission since 2014 and that she does not recall this ever being mentioned. She said had it been mentioned here, the Commission could have seen to it that whatever was needed was provided to have that work accomplished. Ms. Symonds said that overall DNA is looking at a 20% increase in their workload and going forward, it will be even more. She thinks it is a shame that this has come out now, instead of when it occurred, because the current staff has worked so hard to ensure things are done right. The Commission needs to make sure that DNA has the tools/personnel available to deal with an increased workload. ODS Schwind said she was shocked when she read about the untested samples. A lengthy discussion then ensued regarding these samples discovered in 2014 which involved a significant delay in uploading known offender DNA samples into CODIS. Commissioners were advised by DAG Carey Cross that an administrative investigation is underway and that Commission members will be briefed once that investigation is completed.

Adjourn

- The meeting was adjourned at 11:45 a.m.

Next Meeting Date: Monday, November 5, 2018
 DFS – Wilmington, 1st Floor Conference Room
 10:00 am – 12:00 am